

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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S. KATZMAN PRODUCE INC.,	:	
	:	
Plaintiff,	:	
	:	22-CV-10108 (VSB) (KHP)
- against -	:	
	:	<b><u>ORDER</u></b>
	:	
ABRAHAM PRODUCE CORP. t/a H LEE	:	
a/t/a H LEE TRUCKING, NAM H. LEE, et al.,	:	
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

On November 29, 2022, Plaintiff S. Katzman Produce Inc. (“Plaintiff” or “Katzman”) filed this action against various entities and persons for violation of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499e (“PACA”) and related common law claims. (Doc. 1.) Katzman settled with several of the defendants, and they have been dismissed from this action.

After a certificate of default issued, I granted Plaintiff a default judgment as to liability against the remaining defendants (“Defaulting Defendants”),<sup>1</sup> and referred this case to Magistrate Judge Katharine H. Parker for an inquest on damages. (Docs. 172, 173.)

On February 12, 2024, Magistrate Judge Parker issued a thorough 8-page Report and Recommendation recommending that:

Plaintiff be awarded the following damages from the Defaulting Defendants with prejudgment interest computed based on the invoice dates to the defendants listed below and summarized on Exhibits Q (ECF No. 175-2), R (ECF No. 175-3), S (ECF No. 175-4), T (ECF No. 175-5), W (ECF No. 175-6), and Y (ECF No. 175-7):

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<sup>1</sup> “Defaulting Defendants” refers to New Aaron Fruit Market Inc., Brighton Beach Farm Market Inc., C&D Family Inc. trading as D&C Market, Errand Grocery & Deli, Inc. trading as Farm Fresh, 1490 Meat Corp. trading as Olive Tree, and Kyoung Suk Song also known as Hyoung Chul Song.

<b>Defendant</b>	<b>Principal Amount Due</b>	<b>Interest Rate</b>
New Aaron Fruit Market	\$23,507.15	9% per annum
Brighton Beach Farm Market	\$23,886.88	9% per annum
D&C Market	\$12,463.30	9% per annum
Farm Fresh	\$9,394.25	9% per annum
Olive Tree	\$19,827.79	9% per annum
Kyoung Suk Song	\$201,807.22	9% per annum

(Doc. 179 at 7.) None of the parties filed any objections to the Report and Recommendation.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen days from this date to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. Rule 72(b) to this Report and Recommendation” and “[the] failure to file timely objections will result in a waiver of those objections for purposes of appeal,” (Doc. 179 at 8), none of the parties filed an objection or requested additional time to do so. I have reviewed Magistrate Judge Parker’s detailed and well-reasoned Report and Recommendation for clear

error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.

The Clerk of Court is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: May 2, 2024  
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Vernon S. Broderick  
United States District Judge